

August 19, 2008

I think State execution, of anyone, at any time, is a very bad idea.

On July 28th a Gentleman, I think from Bel Air, testified that he thinks execution is a very good idea. Furthermore, he advocated expanding the list of death penalty crimes. He offered no research or figures in support of his opinion.

I too will cite no authorities or death penalty studies in pleading that you come to share my certain belief that taking the Life of even the most egregious offender is a luxury we cannot afford. I have heard most of the arguments in support of capital punishment and the arguments against capital punishment. The members of this committee have heard as much and will hear more, and will likely consider both sides of the issue more closely than have I.

Today I single out, and ask you to consider, two thoughts which, of themselves, convince me that we must not kill.

The first: Cultural Restraint and Fear of Punishment. I doubt fear of punishment will direct a psychopath away from following his compulsion, or haul up short a suddenly snapped very angry husband or wife, or give pause to a pragmatic robber who would kill under the axiom that Dead men tell no tales. But, I have no doubt that, knowing that the State kills, all these persons know we do kill.

This certainty came to me many years ago on reading about a terrible crime in The Washington Post. A woman, described as, "a little old lady grandmother," had run afoul of the mores of a local gang member or boss. Either as punishment or just for fun, the offended person inflicted, with other indignities, the ramming of a broomstick far up into the grandmother's rectum.

I do not remember if the lady lived or died. I do remember the words of a young man quoted in the report. He may or may not have been a member of the gang, but the report indicated that his mores were thought to be more akin to those ascribed to the gang members than to those I or you subscribe to. If so, his remarkable statement is all the more telling. Reflecting something he had been taught or had learned, his words reported in the Post were, "Man, you just don't do that to nobody."

As to killing another human being, State sanctioned capital punishment teaches that young man, and every one of us anything but, "You just don't do that to nobody."

The second thought I ask you to consider is the fragility, the vulnerability of what we call "civilization". Records exist for some 6000 years of our creating and enjoying artifacts and ideas wonderful and, in their number, miraculous.

I say “miraculous” because, setting aside all wars and the occasional revolution, we must wonder how we accomplished so much of what we call “good” in the century after century, millennium upon millennium of killing, torture, slavery, other atrocities beyond measure. In the long view the rack and burnings of the inquisition, the terrible destruction of Carthage, the fall and decline of the Roman Empire, and the thousand year climb to the Renaissance are but recent events.

Civilizations disappear. Old Testament stories and the Ozymandian pyramids at Geza were pretty much all we knew of ancient Egypt until, decades after the Rosetta Stone was retrieved by Napoleon’s army, a forgotten history began to unfold of administrations of unparalleled success spanning over 3000 years.

However high we climb, bad patches are always with us. State and Church sanctioned judicial torture continued in Spain and Russia until about the time of our Fifth and Eighth Constitutional Amendments. Torture and other evils, Whack-A-Mole like, will ever surface, even, if we shall believe the papers, unto the Fifth and Eighth Amendment governed first administration of the Twenty-First Century.

To bring my plea to a focus I ask you to imagine a desk top globe coated with a thin film of oil. There you would see the slight depth of our breathable atmosphere. I submit to you that the many thousand year veneer which History has painted over our passions is thinner than the fragile air we breathe.

I am a Marylander. I was born three blocks from this room, at the Emergency Hospital then on Franklin Street. Except early childhood wandering and three years in Japan I have always lived in Maryland.

I want my Maryland to join the civilized World, England, France, Germany, New Jersey, and their kin, in taking the part of preserving and enlarging that so fragile veneer which constitutes what we call “civilized”. Civilization needs all the help and protection we can muster.

Please tell the Governor and the Legislature that we cannot afford the luxury of capital punishment. Let Maryland lead now, that in the World of our great great grandchildren all may believe, “You just don’t do that to nobody.”

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